

**Exhibit 1 to****Clearsulting LLC's Response to the Show-Cause Order:****DECLARATION OF ATTORNEY STEPHEN M. BALES**

*This declaration, by Clearsulting's outside counsel Stephen Bales, of the law firm Ziegler Metzger, explains that the filing of the first letter from attorney Vince McKnight (Doc. 1-3) was a decision made by the attorneys representing FirstEnergy and the Declarant. The filing of the second letter from Mr. McKnight (Doc. 10-1) was a decision made by the attorneys representing FirstEnergy and the Declarant, with the approval of Mr. Pircio's counsel. Neither letter was filed for any improper purpose, and no individuals at Clearsulting requested or instructed the Declarant to include either letter in the public record.*

**I. The Declarant**

My name is Stephen M. ("Steve") Bales. I am over twenty-one years of age and of sound mind. I have personal knowledge of the facts stated below. I am the Managing Partner of the law firm Ziegler Metzger LLP ("Ziegler Metzger"), and I have been practicing law since 1983. Ziegler Metzger has been outside counsel to Clearsulting LLC ("Clearsulting") for several years, and my associate, Brian Kampman, and I represented Clearsulting in this matter from before the filing of the Complaint, through the filing of the Stipulated Injunction, and until October 16, 2020.

**II. The Decision to File the First McKnight Letter**

Benesch, Friedlander, Coplan & Aronoff ("Benesch"), as counsel for FirstEnergy, took the lead on preparing the first draft of the Complaint in this matter, as well as all other pleadings while we acted as counsel in this matter. Benesch first emailed me and Brian Kampman a draft of the Complaint on August 31, 2020, at 6:55 p.m. Mr. Gregory Phillips of Benesch indicated that they had been instructed by their client to file the Complaint on September 1, 2020. I understood

that expeditious filing was considered by FirstEnergy to be essential because of the nature of the relief requested and the confidential nature of the documents that were the subject of the lawsuit.

The first draft of the Complaint we received contained what ultimately became Paragraph 30 of the filed Complaint; the language in the filed copy is exactly the same as the language in the first draft we received, except that the paragraph number is different, and in the filed copy, the exhibit number was inserted. Specifically, in this first draft—as in the filed Complaint—the reference to the August 21, 2020 letter from Mr. McKnight (the “First Letter”) is:

To date, Defendant has refused to comply with these requests. His attorney responded in a letter asserting that Pircio’s conduct did not violate federal law. (See Letter from Vince McKnight to Jessica Hardy dated August 21, 2020, attached hereto as Exhibit \_\_\_\_).

Mr. Kampman and I reviewed the draft Complaint, and the inclusion of the First Letter did not stand out to me as improper; indeed, I felt it was proper to put the letter before the Court as relevant to the Court’s decision and because it supported Clearsulting’s claims and request for injunctive relief. Mr. Kampman and I also reviewed the draft Complaint with Clearsulting. Clearsulting has not waived the attorney–client privilege. Without violating privilege, I can say that Clearsulting had minor factual clarifications to the allegations and did not comment specifically on the inclusion of the First Letter (Doc. 1-3) as an exhibit. It is my practice to have clients review and authorize all major filings before I submit them on their behalf. Consistent with my practice, Clearsulting reviewed the Complaint before filing and authorized our Firm as counsel to file the Complaint on its behalf. That being said, no one at Clearsulting directed me or instructed me to include the First Letter as an exhibit. I am the person who reviewed the draft Complaint and exhibits, and approved their filing on Clearsulting’s behalf, including the filing of the First Letter.

### **III. Correspondence from Mr. McKnight After Filing the Complaint**

Mr. McKnight emailed me and Benesch on September 2, 2020, the day after we filed the Complaint and the Motion for Temporary Restraining Order. (Sept. 2, 2020 email from Mr. McKnight, **Exhibit 1** to this Declaration.) In his email, Mr. McKnight expressed no concern to us about the filing of the First Letter. (*Id.*) He did not request that it be sealed or redacted. (*Id.*) He did not express a belief that the inclusion of the letter may have been for any improper purpose. (*Id.*)

### **IV. The Decision to File the Second McKnight Letter**

The Honorable Judge Pamela Barker held a telephone conference on September 2, 2020. I participated in the conference on behalf of Clearsulting. Mr. McKnight participated on behalf of Mr. Pircio, although Mr. McKnight indicated he was not representing Mr. Pircio in this matter. FirstEnergy also participated through counsel. During the teleconference, Mr. McKnight did not express any concerns to the Court about the filing of the First Letter, nor did the Court raise any concerns of its own. During the teleconference, the attorneys agreed to confer about the potential for the parties to enter into a stipulated injunction precluding Mr. Pircio from disseminating the information he took beyond what was represented by Mr. Pircio's counsel in the First Letter to be counsel and the government.

Benesch, once again, took the lead on negotiating with Mr. McKnight and preparing the first draft of the Stipulated Injunction. Benesch first emailed me and Mr. Kampman a draft of the Stipulated Injunction on September 4, 2020. The first draft contained the inclusion of the September 2, 2020 letter from Mr. McKnight (the "Second Letter"), with language nearly identical to that which was ultimately filed in this matter as Doc. 10.

My firm provided a copy of the draft Stipulated Injunction to Clearstulting prior to the filing of the document, and Clearstulting did not comment on the document.

Benesch emailed a copy of the draft Stipulated Injunction—which contained the reference to the Second Letter and the SEC investigation—to Mr. McKnight on September 4, 2020, at around 7:31 a.m. (Email, **Exhibit 2**). Mr. McKnight’s response to the draft contained no objection or even any comment to the inclusion of the Second Letter in the Stipulated Injunction.

On September 7, 2020, new counsel of record for Mr. Pircio, Ms. Laura Hauser, sent us a letter by email. (Letter, **Exhibit 3**). Benesch responded, requesting that Ms. Hauser review the draft Stipulated Injunction—which contained the reference to the Second Letter and the SEC investigation—and provide a redline with requested changes. (Email, **Exhibit 4**).

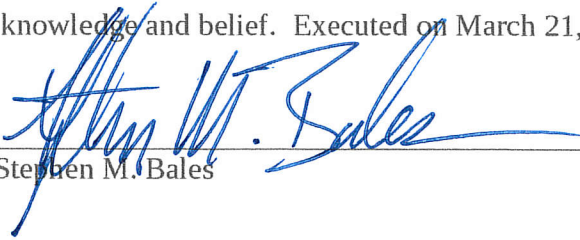
On September 8, 2020, Ms. Hauser responded with suggested changes, none of which included the removal of the Second Letter or the reference to the SEC investigation, or even any comment to the agreed inclusion of that item and issue. (Email, **Exhibit 5**). Benesch responded later the same day, including a note regarding the Second Letter explaining, “[T]he September 2 letter is not attached to the motion for TRO. McKnight provided it the day after.” (Email, **Exhibit 6**). A few minutes later, Benesch emailed Ms. Hauser again, attaching an updated draft of the Stipulated Injunction, “[a]s we discussed,” and also attaching a copy of the Second Letter “that will be an exhibit.” (Email, **Exhibit 7**). Ms. Hauser responded that evening, writing “[w]e approve this form of the Injunction.” (Email, **Exhibit 8**). Mr. Kampman and I were copied on these emails but provided no input regarding their content. My firm consented to the filing on the morning of September 9, 2020.

## **V. Evidentiary Support and Lack of Improper Motive**

I had no motive or desire to harass Mr. Pircio, cause unnecessary delay, or needlessly increase the cost of litigation when I approved the filing of and signed Docs. 1 and 10. I never heard nor am I aware of anyone at ClearSulting, Ziegler Metzger, or Benesch expressing any motive or desire to harass Mr. Pircio, cause unnecessary delay, or needlessly increase the cost of litigation by the filing of the two letters filed in this matter at Docs. 1-3 and 10-1. If I had heard anyone express such an improper motive, I never would have agreed to that filing. I had no contact with individuals at FirstEnergy, but only interacted with its counsel.

When I approved the filing of and signed Docs. 1 and 10, I had no belief that the factual contentions in the Complaint or the Stipulated Injunction lacked evidentiary support or would not likely have evidentiary support after a reasonable opportunity for further investigation and discovery. In fact, I believe it is clear that the factual contentions in the aforementioned filings have been borne out as being true and accurate. I never heard nor am I aware of anyone at ClearSulting, Ziegler Metzger, or Benesch expressing any belief that the factual contentions in the Complaint or the Stipulated Injunction lacked evidentiary support or would not likely have evidentiary support after a reasonable opportunity for further investigation and discovery. To the contrary, I believed, based on the information available to me after what I considered to be a reasonable inquiry, that the factual contentions in ClearSulting's filing had evidentiary support and would likely further be supported after a reasonable opportunity for further investigation and discovery.

I declare under penalty of perjury that the foregoing is true and correct  
to the best of my knowledge and belief. Executed on March 21, 2021.

  
\_\_\_\_\_  
Stephen M. Bales

# Bales Declaration Exhibit 1

---

**From:** Vince McKnight <[vmcknight@sanfordheisler.com](mailto:vmcknight@sanfordheisler.com)>

**Sent:** Wednesday, September 2, 2020 10:17 AM

**To:** Dagon, John <[JDagon@beneschlaw.com](mailto:JDagon@beneschlaw.com)>

**Cc:** Phillips, Gregory J. <GPhillips@beneschlaw.com>; Sherwood, Addisah <ASherwood@beneschlaw.com>; Brian F. Kampman <bkampman@zieglermetzger.com>; Stephen M. Bales <sbales@zieglermetzger.com>; Jarrett Shapiro <JShapiro@sanfordheisler.com>; Shaun Rosenthal <srosenthal@sanfordheisler.com>; Rob Van Someren Greve <rvansomerengreve@sanfordheisler.com>

**Subject:** RE: FirstEnergy Corp. et al. v. Michael Pircio - N.D. Ohio Case No. 1-20-01966

Mr. Dagon:

Thank you for sending us copies of these pleadings.

We are in the process of discussing this matter with Mr. Pircio to determine what course of action to take, including whether we will represent him or whether to retain local counsel to act on his behalf. Please allow us some time to vet this matter properly. In the meantime, we will not disclose the documents to anyone other than the government agency that is investigating this matter. Your client is in no danger that any trade secrets or other proprietary information will be shared with any competitors, or anyone other than the government.

Thank you for your cooperation in this regard.

Sincerely,

Vince McKnight

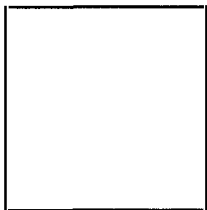
H. Vincent McKnight Jr.

**DC Managing Partner, bio**

**Whistleblower & Qui Tam Practice Group Co-Chair**

700 Pennsylvania Ave SE, Suite 300, Washington, DC 20003

**DIRECT:** 202-499-5211 | **MAIN:** 202-499-5200



New York  
Washington, DC  
San Francisco  
San Diego  
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Baltimore

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**From:** Dagon, John <JDagon@beneschlaw.com>

**Sent:** Tuesday, September 1, 2020 6:39 PM

**To:** Vince McKnight <vmcknight@sanfordheisler.com>

**Cc:** Phillips, Gregory J. <GPhillips@beneschlaw.com>; Sherwood, Addisah <ASherwood@beneschlaw.com>; Brian F. Kampman <bkampman@zieglermetzger.com>; Stephen M. Bales <sbales@zieglermetzger.com>

**Subject:** FirstEnergy Corp. et al. v. Michael Pircio - N.D. Ohio Case No. 1-20-01966

————EXTERNAL EMAIL————



Mr. McKnight,

Please be advised that I represent FirstEnergy in the case initiated by the attached Complaint against Michael Pircio.

In addition to the attached Complaint and related filings, FirstEnergy and ClearSulting LLC filed the attached Motion for Temporary Restraining Order and Injunctive Relief. Counsel for FirstEnergy will be contacting Chambers tomorrow morning to request a hearing on the Motion for Temporary Restraining Order.

In light of this, will you be representing Mr. Pircio in this lawsuit? If so, do you request to be heard when the Court sets a hearing on the attached Motion?

Please advise at your earliest convenience. Thank you.

Sincerely,

John Dagon

**John N. Dagon**

Associate

Litigation

Benesch Friedlander Coplan & Aronoff LLP

200 Public Square, Suite 2300

Cleveland, OH 44114-2378

Ph: 216.363.6124

Cell: 607.661.0829

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Email: [jdagon@beneschlaw.com](mailto:jdagon@beneschlaw.com)

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 **Benesch**

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H. Vincent McKnight Jr., DC Managing Partner  
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New York | Washington D.C. | San Francisco | San Diego | Nashville | Baltimore

September 2, 2020

**VIA ELECTRONIC MAIL**

John N. Dagon, Esq.  
Benesch Friedlander Coplan & Aronoff LLP  
jdagon@beneschlaw.com

Re: FirstEnergy Corp. et al. v. Michael Pircio - N.D. Ohio Case No. 1-20-01966

Dear Mr. Dagon,

We write you in response to FirstEnergy Corp.'s ("FirstEnergy") and Clearsulting LLC's ("Clearsulting") filing of a Complaint and Motion for Temporary Restraining Order and Preliminary Injunction against Michael Pircio on September 1, 2020.

As you know, we only received notice of the filing last night and were not representing Mr. Pircio in connection with this lawsuit. At this time, we do not intend to represent him in the above-captioned matter. Accordingly, Mr. Pircio will need time to find counsel. In the meantime, however, we are willing to participate in a telephone conference with the Court for the limited purpose of discussing logistics on how best to proceed under the circumstances.

As we explained in a letter on August 21, 2020 addressed to Clearsulting that you received, Mr. Pircio has shared a number of Clearsulting documents that potentially show a violation of law with his counsel, and we in turn have shared these documents with a government agency.

On August 7, 2020, we submitted information to the Securities and Exchange Commission ("SEC") concerning FirstEnergy and Clearsulting. Since then we have been in communication with Brian D. Fagel, Assistant Director of the Public Finance Abuse Unit, and we intend to continue cooperating with the SEC in its investigation. Mr. Fagel's contact information is below:

Brian D. Fagel  
Email: fagelb@sec.gov  
Phone: (312) 886-0843

In the August 21, 2020 letter, we also advised you that Mr. Pircio has not shared any company information or documents with anyone other than his counsel and, through his counsel, with government officials. On September 2, 2020, we confirmed in an email to you that neither we nor Mr. Pircio will disclose the documents to anyone other than the government agency that is investigating this matter. And I want to take this opportunity to reiterate that neither we nor Mr. Pircio will disclose the documents or information with anyone other than the SEC. Your client is in no danger, imminent or otherwise, that any trade secrets or other proprietary information or documentation will be shared with any competitors, or anyone other


John N. Dagon, Esq.  
September 2, 2020  
Page 2 of 2

than the SEC.

Nathan H. Boninger, the Law Clerk to District District Judge Pamela A. Barker, contacted us regarding a conference call to discuss scheduling with counsel for all parties. A partner at our firm, Kevin Sharp, will join the telephone conference. We are available to speak later this afternoon or on Friday, September 4, 2020. Please let us know what times work for you and we can contact Mr. Boninger to schedule the conference.

Please do not hesitate to contact me if you have any questions.

Sincerely,

  
Vince McKnight

cc: Kevin Sharp, Esq.  
Sanford Heisler Sharp, LLP  
ksharp@sanfordheisler.com

Gregory J. Phillips, Esq.  
Benesch Friedlander Coplan & Aronoff LLP  
GPhillips@beneschlaw.com

Addisah Sherwood  
Benesch Friedlander Coplan & Aronoff LLP  
ASherwood@beneschlaw.com

Stephen M. Bales, Esq.  
Ziegler Metzger LLP  
sbales@zieglermetzger.com

Brian F. Kampman  
Ziegler Metzger LLP  
bkampman@zieglermetzger.com

## Bales Declaration Exhibit 2

**Stephen M. Bales**

---

**From:** Phillips, Gregory J. <GPhillips@beneschlaw.com>  
**Sent:** Friday, September 4, 2020 7:31 AM  
**To:** Vince McKnight  
**Cc:** Shaun Rosenthal; Rob Van Someren Greve; Kevin H. Sharp; Brian F. Kampman; Sherwood, Addisah; Stephen M. Bales; Jarrett Shapiro; Dagon, John  
**Subject:** Pircio -- draft stipulated injunction  
**Attachments:** 13752555\_3.docx

Mr. McKnight --

Attached is a draft stipulated injunction for your review. Please let us know if Mr. Pircio has any comments. I'm available to discuss today if you have any questions.

Sincerely,

**Gregory J. Phillips**  
**Vice Chair, Litigation Practice Group and**  
**Chair, Business Litigation Practice Group**  
Benesch, Friedlander, Coplan & Aronoff LLP  
200 Public Square, Suite 2300  
Cleveland, OH 44114-2378  
Direct: 216.363.4472 | Fax: 216.363.4588 | Mobile: 216.905.2173  
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**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

|                                    |   |                              |
|------------------------------------|---|------------------------------|
| FIRSTENERGY CORP., <i>et al.</i> , | ) | CASE NO.: 1:20-CV-01966      |
|                                    | ) |                              |
| PLAINTIFFS,                        | ) | JUDGE: PAMELA A. BARKER      |
| vs.                                | ) |                              |
|                                    | ) |                              |
| MICHAEL PIRCIO,                    | ) |                              |
|                                    | ) |                              |
| DEFENDANT.                         | ) | <b>STIPULATED INJUNCTION</b> |

This matter is before the Court on Plaintiffs’ Motion for Temporary Restraining Order and Preliminary Injunction (“Motion”) (EFC Doc. 2) and a letter from Vincent McKnight to counsel of record in this case dated September 2, 2020 (“Letter”) (attached hereto as Exhibit A) that references the pendency of an investigation by the Securities and Exchange Commission (“SEC”) into information submitted to the SEC by Mr. McKnight’s law firm, Sanford Heisler Sharp LLP (“SHS”) on August 7, 2020 (“SEC Investigation”). The Parties having conferred about the foregoing, Plaintiffs FirstEnergy Corp. (“FirstEnergy”) and Clearsulting LLC (“Clearsulting”), on the one hand, and Defendant Michael Pircio (“Pircio”), on the other, hereby stipulate that this Court, for good cause shown, **ORDER** that until further Order of this Court:

1. Subject to Paragraph 3 of this Stipulated Injunction, Defendant Michael Pircio is enjoined from using, disclosing, or misappropriating any of Plaintiffs’ trade secret, proprietary, and confidential information, including, but not limited to, all the information and data that he downloaded from Clearsulting’s Sharepoint site on July 30, 2020;

2. Subject to Paragraph 3 of this Stipulated Injunction, Defendant Michael Pircio shall relinquish and return to FirstEnergy all copies of Plaintiffs’ trade secret, proprietary, and confidential information in his possession, custody, or control, including, but not limited to, all

paper or electronic copies of any information or data that he downloaded from ClearSulting's Sharepoint site on July 30, 2020; and

3. Defendant Michael Pircio shall instruct SHS to relinquish and return to FirstEnergy, upon the conclusion of the SEC Investigation, all copies of Plaintiffs' trade secret, proprietary, and confidential information that Defendant Michael Pircio provided to SHS. Until the conclusion of the SEC Investigation, Defendant Michael Pircio shall instruct SHS to maintain the confidentiality of Plaintiffs' information and not to disclose it except to the SEC in furtherance of the SEC Investigation. Furthermore, nothing in this Stipulated Injunction shall be construed as prohibiting Defendant Michael Pircio from cooperating with the SEC Investigation.

**SO STIPULATED BY ALL PARTIES:**

Date: \_\_\_\_\_

MICHAEL PIRCIO

Date: \_\_\_\_\_

GREGORY J. PHILLIPS, counsel for FirstEnergy Corp.

Date: \_\_\_\_\_

STEPHEN BALES, counsel for ClearSulting LLC.

**SO ORDERED:**

Date: \_\_\_\_\_

DISTRICT JUDGE PAMELA A. BARKER



HAUSER · LAW

## Bales Declaration Exhibit 3

3713 Longwood Court  
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[www.HauserLawLLC.com](http://www.HauserLawLLC.com)  
216.536.8810

Laura A. Hauser, Esq.  
[Laura@HauserLawLLC.com](mailto:Laura@HauserLawLLC.com)

September 7, 2020

Gregory J. Phillips, Esq.  
Addisah Sherwood, Esq.  
John Dagon, Esq.  
Benesch, Friedlander, Coplan & Aronoff LLP  
200 Public Square, Suite 2300  
Cleveland, Ohio 44114-2378  
Via email to: [gphillips@beneschlaw.com](mailto:gphillips@beneschlaw.com)  
[asherwood@beneschlaw.com](mailto:asherwood@beneschlaw.com)  
[jdagon@beneschlaw.com](mailto:jdagon@beneschlaw.com)

Stephen M. Bales, Esq.  
Brian F. Kampman, Esq.  
Ziegler Metzger LLP  
1111 Superior Avenue, Suite 1000  
Cleveland, Ohio 44114  
Via email to: [sbales@zieglermetzger.com](mailto:sbales@zieglermetzger.com)  
[bkampman@zieglermetzger.com](mailto:bkampman@zieglermetzger.com)

Re: *FirstEnergy Corp., et al. v. Michael Pircio*  
Case No. 1:20-cv-01966 in the United States District Court for the Northern  
District of Ohio, Eastern Division

Dear Counsel:

Marc Dann and I have been recently engaged by Defendant Michael Pircio in the above captioned action. I filed my notice of appearance and Marc will file his shortly. We are aware of the hearing scheduled with Judge Barker for Wednesday morning, and we understand that you have already had discussions with Vince McKnight about ways to resolve the issues that would otherwise be the subject of the TRO hearing.

Although we would not agree to the form of the proposed TRO attached to the motion that was filed, we believe that there are several ways that we could reach an agreement as to the possession of the files in issue and to assure Plaintiffs that they have not been disseminated in any way other than the disclosure already provided to you by Mr. McKnight.

Let me know if you would like to schedule a call to discuss our suggestions about how this may be accomplished, or if you would instead prefer that we make a written proposal for your consideration. We look forward to hearing from you.

Very truly yours,

*Laura A. Hauser*

Laura A. Hauser

cc: Marc E. Dann, Esq.

## Bales Declaration, Exhibit 4

**Stephen M. Bales**

---

**From:** Phillips, Gregory J. <GPhillips@beneschlaw.com>  
**Sent:** Monday, September 7, 2020 4:35 PM  
**To:** Laura Hauser; Sherwood, Addisah; Dagon, John; Stephen M. Bales; Brian F. Kampman  
**Cc:** Marc Dann  
**Subject:** RE: FirstEnergy Corp. v. Pircio  
**Attachments:** 13752555\_3.docx

Laura,

Thank you for your letter. With respect to resolving the TRO before Wednesday, I think a written proposal is the most efficient way to proceed. In particular, we'd ask you and Marc to provide any redlined changes you feel are needed to the draft stipulated injunction I sent to Vince McKnight Friday morning. (A copy is attached in the event you don't have it.) After receiving a redline, we can assess whether a call tomorrow is necessary.

Regards,

**Gregory J. Phillips**  
**Vice Chair, Litigation Practice Group and**  
**Chair, Business Litigation Practice Group**  
Benesch, Friedlander, Coplan & Aronoff LLP  
200 Public Square, Suite 2300  
Cleveland, OH 44114-2378  
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**From:** Laura Hauser <laura@HauserLawLLC.com>  
**Sent:** Monday, September 7, 2020 2:58 PM  
**To:** Phillips, Gregory J. <GPhillips@beneschlaw.com>; Sherwood, Addisah <ASherwood@beneschlaw.com>; Dagon, John <JDagon@beneschlaw.com>; sbales@zieglermetzger.com; bkampman@zieglermetzger.com  
**Cc:** Marc Dann <mdann@dannlaw.com>  
**Subject:** FirstEnergy Corp. v. Pircio

**\*\*\* External E-Mail - Use Caution \*\*\***

Dear Counsel,

Please see attached letter.

Best,  
Laura A. Hauser, Esq.



3713 Longwood Court | Cleveland Heights, Ohio 44118 | 216.536.8810  
[Laura@HauserLawLLC.com](mailto:Laura@HauserLawLLC.com) | [www.HauserLawLLC.com](http://www.HauserLawLLC.com)





**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

|                                    |   |                              |
|------------------------------------|---|------------------------------|
| FIRSTENERGY CORP., <i>et al.</i> , | ) | CASE NO.: 1:20-CV-01966      |
|                                    | ) |                              |
| PLAINTIFFS,                        | ) | JUDGE: PAMELA A. BARKER      |
| vs.                                | ) |                              |
|                                    | ) |                              |
| MICHAEL PIRCIO,                    | ) |                              |
|                                    | ) |                              |
| DEFENDANT.                         | ) | <b>STIPULATED INJUNCTION</b> |

This matter is before the Court on Plaintiffs’ Motion for Temporary Restraining Order and Preliminary Injunction (“Motion”) (EFC Doc. 2) and a letter from Vincent McKnight to counsel of record in this case dated September 2, 2020 (“Letter”) (attached hereto as Exhibit A) that references the pendency of an investigation by the Securities and Exchange Commission (“SEC”) into information submitted to the SEC by Mr. McKnight’s law firm, Sanford Heisler Sharp LLP (“SHS”) on August 7, 2020 (“SEC Investigation”). The Parties having conferred about the foregoing, Plaintiffs FirstEnergy Corp. (“FirstEnergy”) and Clearsulting LLC (“Clearsulting”), on the one hand, and Defendant Michael Pircio (“Pircio”), on the other, hereby stipulate that this Court, for good cause shown, **ORDER** that until further Order of this Court:

1. Subject to Paragraph 3 of this Stipulated Injunction, Defendant Michael Pircio is enjoined from using, disclosing, or misappropriating any of Plaintiffs’ trade secret, proprietary, and confidential information, including, but not limited to, all the information and data that he downloaded from Clearsulting’s Sharepoint site on July 30, 2020;

2. Subject to Paragraph 3 of this Stipulated Injunction, Defendant Michael Pircio shall relinquish and return to FirstEnergy all copies of Plaintiffs’ trade secret, proprietary, and confidential information in his possession, custody, or control, including, but not limited to, all

paper or electronic copies of any information or data that he downloaded from ClearSulting's Sharepoint site on July 30, 2020; and

3. Defendant Michael Pircio shall instruct SHS to relinquish and return to FirstEnergy, upon the conclusion of the SEC Investigation, all copies of Plaintiffs' trade secret, proprietary, and confidential information that Defendant Michael Pircio provided to SHS. Until the conclusion of the SEC Investigation, Defendant Michael Pircio shall instruct SHS to maintain the confidentiality of Plaintiffs' information and not to disclose it except to the SEC in furtherance of the SEC Investigation. Furthermore, nothing in this Stipulated Injunction shall be construed as prohibiting Defendant Michael Pircio from cooperating with the SEC Investigation.

**SO STIPULATED BY ALL PARTIES:**

Date: \_\_\_\_\_

MICHAEL PIRCIO

Date: \_\_\_\_\_

GREGORY J. PHILLIPS, counsel for FirstEnergy Corp.

Date: \_\_\_\_\_

STEPHEN BALES, counsel for ClearSulting LLC.

**SO ORDERED:**

Date: \_\_\_\_\_

DISTRICT JUDGE PAMELA A. BARKER

# Bales Declaration, Exhibit 5

**Stephen M. Bales**

---

**From:** Laura Hauser <laura@HauserLawLLC.com>  
**Sent:** Tuesday, September 8, 2020 9:24 AM  
**To:** Phillips, Gregory J.; Sherwood, Addisah; Dagon, John; Stephen M. Bales; Brian F. Kampman  
**Cc:** Marc Dann  
**Subject:** Re: FirstEnergy Corp. v. Pircio  
**Attachments:** 20200907 Draft Stipulation from Plaintiffs v.4.docx

Greg  
Attached is a revised version of the Stipulated Injunction for your review. Please let us know if we can agree on a form of this Stipulation or if we need to schedule a call today for further discussion. Thank you.

Best,  
Laura A. Hauser, Esq.



3713 Longwood Court | Cleveland Heights, Ohio 44118 | 216.536.8810  
[Laura@HauserLawLLC.com](mailto:Laura@HauserLawLLC.com) | [www.HauserLawLLC.com](http://www.HauserLawLLC.com)

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**From:** "Phillips, Gregory J." <GPhillips@beneschlaw.com>  
**Date:** Monday, September 7, 2020 at 4:35 PM  
**To:** Laura Hauser <laura@HauserLawLLC.com>, "Sherwood, Addisah" <ASherwood@beneschlaw.com>, "Dagon, John" <JDagon@beneschlaw.com>, "sbales@zieglermetzger.com" <sbales@zieglermetzger.com>, "bkampman@zieglermetzger.com" <bkampman@zieglermetzger.com>  
**Cc:** Marc Dann <mdann@dannlaw.com>  
**Subject:** RE: FirstEnergy Corp. v. Pircio

Laura,

Thank you for your letter. With respect to resolving the TRO before Wednesday, I think a written proposal is the most efficient way to proceed. In particular, we'd ask you and Marc to provide any redlined changes you feel are needed to the draft stipulated injunction I sent to Vince McKnight Friday morning. (A copy is attached in the event you don't have it.) After receiving a redline, we can assess whether a call tomorrow is necessary.

Regards,

**Gregory J. Phillips**  
**Vice Chair, Litigation Practice Group and**  
**Chair, Business Litigation Practice Group**  
Benesch, Friedlander, Coplan & Aronoff LLP  
200 Public Square, Suite 2300  
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Direct: 216.363.4472 | Fax: 216.363.4588 | Mobile: 216.905.2173  
[gphillips@beneschlaw.com](mailto:gphillips@beneschlaw.com) | [www.beneschlaw.com](http://www.beneschlaw.com)

Confidentiality Notice to Incorrect Addressee: [www.beneschlaw.com/confidentialitynotice](http://www.beneschlaw.com/confidentialitynotice)

---

**From:** Laura Hauser <laura@HauserLawLLC.com>

**Sent:** Monday, September 7, 2020 2:58 PM

**To:** Phillips, Gregory J. <GPhillips@beneschlaw.com>; Sherwood, Addisah <ASherwood@beneschlaw.com>; Dagon, John <JDagon@beneschlaw.com>; sbales@zieglermetzger.com; bkampman@zieglermetzger.com

**Cc:** Marc Dann <mdann@dannlaw.com>

**Subject:** FirstEnergy Corp. v. Pircio

**\*\*\* External E-Mail - Use Caution \*\*\***

Dear Counsel,

Please see attached letter.

Best,  
Laura A. Hauser, Esq.



3713 Longwood Court | Cleveland Heights, Ohio 44118 | 216.536.8810  
[Laura@HauserLawLLC.com](mailto:Laura@HauserLawLLC.com) | [www.HauserLawLLC.com](http://www.HauserLawLLC.com)

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

|                                    |   |                              |
|------------------------------------|---|------------------------------|
| FIRSTENERGY CORP., <i>et al.</i> , | ) | CASE NO.: 1:20-CV-01966      |
|                                    | ) |                              |
| PLAINTIFFS,                        | ) | JUDGE: PAMELA A. BARKER      |
| vs.                                | ) |                              |
|                                    | ) |                              |
| MICHAEL PIRCIO,                    | ) |                              |
|                                    | ) |                              |
| DEFENDANT.                         | ) | <b>STIPULATED INJUNCTION</b> |

This matter is before the Court on Plaintiffs’ Motion for Temporary Restraining Order and Preliminary Injunction (“Motion”) (~~ECF~~ Doc. 2) and a letter from Vincent McKnight to Plaintiffs’ counsel of record in this case dated September 2, 2020 (“Letter”) (attached to ECF Doc. 2 as Ex. 3~~hereto as Exhibit A~~) that references the pendency of an investigation by the Securities and Exchange Commission (“SEC”) into information submitted to the SEC by Mr. McKnight’s law firm, Sanford Heisler Sharp LLP (“SHS”) on August 7, 2020 (“SEC Investigation”). The Parties having conferred about the foregoing, Plaintiffs FirstEnergy Corp. (“FirstEnergy”) and Clearsulting LLC (“Clearsulting”), on the one hand, and Defendant Michael Pircio (“Pircio”), on the other, hereby stipulate that this Court, ~~for good cause shown,~~ **ORDER** that until further Order of this Court:

1. Subject to Paragraph 3 of this Stipulated Injunction, Defendant Michael Pircio is enjoined from using, disclosing, or misappropriating any of ~~Plaintiffs’ trade secret, proprietary, and confidential information, including, but not limited to, all~~ the information and data that Defendant~~he~~ downloaded from Clearsulting’s Sharepoint site on July 30, 2020;

2. Subject to Paragraph 3 of this Stipulated Injunction, Defendant Michael Pircio shall relinquish and return to FirstEnergy all copies or versions of the ~~Plaintiffs’ trade secret,~~

~~proprietary, and confidential information in his possession, custody, or control, including, but not limited to, all paper or electronic copies of any~~ information or data that he downloaded from Clearsulting's Sharepoint site on July 30, 2020, except that Defendant's undersigned counsel may retain an image or version of said information and data, to be maintained as confidential; and

3. Defendant Michael Pircio shall instruct SHS to relinquish and return to FirstEnergy, upon the conclusion of the SEC Investigation, all ~~versions~~ copies of Plaintiffs' data or information ~~trade secret, proprietary, and confidential information~~ that Defendant Michael Pircio provided to SHS. Until the conclusion of the SEC Investigation, Defendant Michael Pircio shall instruct SHS to maintain the confidentiality of Plaintiffs' data and information and not to disclose it except to the SEC in furtherance of the SEC Investigation, or as otherwise instructed or ordered by the SEC. Furthermore, nothing in this Stipulated Injunction shall be construed as prohibiting Defendant Michael Pircio from cooperating with the SEC Investigation or investigation by any other government agency.

**SO STIPULATED BY ALL PARTIES:**

Date: \_\_\_\_\_

~~MICHAEL PIRCIO~~ LAURA A. HAUSER, counsel  
for Michael Pircio

Date: \_\_\_\_\_

\_\_\_\_\_  
GREGORY J. PHILLIPS, counsel for FirstEnergy Corp.

Date: \_\_\_\_\_

\_\_\_\_\_  
STEPHEN BALES, counsel for Clearsulting LLC.

**SO ORDERED:**

Date: \_\_\_\_\_

DISTRICT JUDGE PAMELA A. BARKER



## Bales Declaration, Exhibit 6

**Stephen M. Bales**

---

**From:** Phillips, Gregory J. <GPhillips@beneschlaw.com>  
**Sent:** Tuesday, September 8, 2020 3:00 PM  
**To:** Laura Hauser; Sherwood, Addisah; Dagon, John; Stephen M. Bales; Brian F. Kampman  
**Cc:** Marc Dann  
**Subject:** RE: FirstEnergy Corp. v. Pircio  
**Attachments:** Proposed Stipulated Injunction.DOCX

Laura,

Attached is redline of the draft you circulated this morning. In addition to our redlined changes, it incorporates almost all of your revisions and has a few explanatory comments. Please call my cell phone below with any questions.

Thanks,

**Gregory J. Phillips**  
**Vice Chair, Litigation Practice Group and**  
**Chair, Business Litigation Practice Group**  
Benesch, Friedlander, Coplan & Aronoff LLP  
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**From:** Laura Hauser <laura@HauserLawLLC.com>  
**Sent:** Tuesday, September 8, 2020 9:24 AM  
**To:** Phillips, Gregory J. <GPhillips@beneschlaw.com>; Sherwood, Addisah <ASherwood@beneschlaw.com>; Dagon, John <JDagon@beneschlaw.com>; sbales@zieglermetzger.com; bkampman@zieglermetzger.com  
**Cc:** Marc Dann <mdann@dannlaw.com>  
**Subject:** Re: FirstEnergy Corp. v. Pircio

**\*\*\* External E-Mail - Use Caution \*\*\***

Greg

Attached is a revised version of the Stipulated Injunction for your review. Please let us know if we can agree on a form of this Stipulation or if we need to schedule a call today for further discussion. Thank you.

Best,  
Laura A. Hauser, Esq.



**HAUSER · LAW**

3713 Longwood Court | Cleveland Heights, Ohio 44118 | 216.536.8810  
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**From:** "Phillips, Gregory J." <GPhillips@beneschlaw.com>

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**Cc:** Marc Dann <mdann@dannlaw.com>

**Subject:** RE: FirstEnergy Corp. v. Pircio

Laura,

Thank you for your letter. With respect to resolving the TRO before Wednesday, I think a written proposal is the most efficient way to proceed. In particular, we'd ask you and Marc to provide any redlined changes you feel are needed to the draft stipulated injunction I sent to Vince McKnight Friday morning. (A copy is attached in the event you don't have it.) After receiving a redline, we can assess whether a call tomorrow is necessary.

Regards,

**Gregory J. Phillips**

**Vice Chair, Litigation Practice Group and**

**Chair, Business Litigation Practice Group**

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**Cc:** Marc Dann <mdann@dannlaw.com>

**Subject:** FirstEnergy Corp. v. Pircio

**\*\*\* External E-Mail - Use Caution \*\*\***

Dear Counsel,

Please see attached letter.

Best,

Laura A. Hauser, Esq.



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IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

FIRSTENERGY CORP., *et al.*, ) CASE NO.: 1:20-CV-01966  
 )  
PLAINTIFFS, ) JUDGE: PAMELA A. BARKER  
 )  
vs. )  
 )  
MICHAEL PIRCIO, )  
 )  
DEFENDANT. ) **STIPULATED INJUNCTION**

This matter is before the Court on Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction ("Motion") (ECF Doc. 2) and a letter from Vincent McKnight to Plaintiffs'

counsel of record in this case dated September 2, 2020 ("Letter") (attached hereto as Exhibit A)

Commented [PGJ1]: Laura, the September 2 letter is not attached to the motion for TRO. McKnight provided it the day after.

that references the pendency of an investigation by the Securities and Exchange Commission ("SEC") into information submitted to the SEC by Mr. McKnight's law firm, Sanford Heisler Sharp LLP ("SHS") on August 7, 2020 ("SEC Investigation"). The Parties having conferred about the foregoing, Plaintiffs FirstEnergy Corp. ("FirstEnergy") and ClearSulting LLC ("ClearSulting"), on the one hand, and Defendant Michael Pircio ("Pircio"), on the other, hereby stipulate that this Court **ORDER** that until further Order of this Court:

1. Subject to Paragraph 3 of this Stipulated Injunction, Defendant Michael Pircio is enjoined from using, disclosing, or misappropriating any of the Plaintiffs' information and data that Defendant downloaded from ClearSulting's Sharepoint site on July 30, 2020 or otherwise obtained without Plaintiffs' authorization on any other date.

Commented [PGJ2]: Laura, we have accepted your revisions, but need language that captures any information taken on any other date.

2. Subject to Paragraph 3 of this Stipulated Injunction, Defendant Michael Pircio shall relinquish and return to FirstEnergy all copies or versions of the Plaintiffs' information or data that he-Defendant downloaded from ClearSulting's Sharepoint site on July 30, 2020 or otherwise

obtained without Plaintiffs' authorization on any other date. Notwithstanding the foregoing, except that Defendant's undersigned counsel may retain an image or version of said information and data, to be which shall be maintained as confidential and not copied to any device or new storage medium except by a computer forensics firm retained by Defendant's undersigned counsel for purposes of defending this lawsuit; and

3. Defendant Michael Pircio shall instruct SHS to relinquish and return to FirstEnergy, upon the conclusion of the SEC Investigation, all versions of Plaintiffs' data or information that Defendant Michael Pircio provided to SHS. Until the conclusion of the SEC Investigation, Defendant Michael Pircio shall instruct SHS to maintain the confidentiality of Plaintiffs' data and information and not to disclose it except to the SEC in furtherance of the SEC Investigation, or as otherwise instructed or ordered by the SEC. Furthermore, nothing in this Stipulated Injunction shall be construed as prohibiting Defendant Michael Pircio from cooperating with the SEC Investigation or investigation by any other government agency.

**SO STIPULATED BY ALL PARTIES:**

Date: \_\_\_\_\_

MICHAEL PIRCIOLAURA A. HAUSER, counsel  
for Michael Pircio

Date: \_\_\_\_\_

GREGORY J. PHILLIPS, counsel for FirstEnergy  
Corp.

Date: \_\_\_\_\_

STEPHEN BALES, counsel for ClearSulting LLC.

**SO ORDERED:**

Date: \_\_\_\_\_

DISTRICT JUDGE PAMELA A. BARKER

## Bales Declaration, Exhibit 7

**Stephen M. Bales**

---

**From:** Phillips, Gregory J. <GPhillips@beneschlaw.com>  
**Sent:** Tuesday, September 8, 2020 3:33 PM  
**To:** Laura Hauser; Sherwood, Addisah; Dagon, John; Stephen M. Bales; Brian F. Kampman  
**Cc:** Marc Dann  
**Subject:** RE: FirstEnergy Corp. v. Pircio  
**Attachments:** Proposed Stipulated Injunction.DOCX; 2020-09-02 Correspondence from V. McKnight.pdf

Laura,

As we discussed, attached is a revised draft removing the phrase “without Plaintiffs’ authorization” from paragraphs 1 and 2. Also attached is the Vincent McKnight letter that will be an exhibit.

Please call with any questions.

**Gregory J. Phillips**  
**Vice Chair, Litigation Practice Group and**  
**Chair, Business Litigation Practice Group**  
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**Subject:** Re: FirstEnergy Corp. v. Pircio

**\*\*\* External E-Mail - Use Caution \*\*\***

Greg

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Laura A. Hauser, Esq.



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**Cc:** Marc Dann <[mdann@dannlaw.com](mailto:mdann@dannlaw.com)>

**Subject:** FirstEnergy Corp. v. Pircio

**\*\*\* External E-Mail - Use Caution \*\*\***

Dear Counsel,

Please see attached letter.

Best,

Laura A. Hauser, Esq.



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**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

|                                    |   |                              |
|------------------------------------|---|------------------------------|
| FIRSTENERGY CORP., <i>et al.</i> , | ) | CASE NO.: 1:20-CV-01966      |
|                                    | ) |                              |
| PLAINTIFFS,                        | ) | JUDGE: PAMELA A. BARKER      |
| vs.                                | ) |                              |
|                                    | ) |                              |
| MICHAEL PIRCIO,                    | ) |                              |
|                                    | ) |                              |
| DEFENDANT.                         | ) | <b>STIPULATED INJUNCTION</b> |

This matter is before the Court on Plaintiffs’ Motion for Temporary Restraining Order and Preliminary Injunction (“Motion”) (ECF Doc. 2) and a letter from Vincent McKnight to Plaintiffs’ counsel of record in this case dated September 2, 2020 (“Letter”) (attached hereto as Exhibit A) that references the pendency of an investigation by the Securities and Exchange Commission (“SEC”) into information submitted to the SEC by Mr. McKnight’s law firm, Sanford Heisler Sharp LLP (“SHS”) on August 7, 2020 (“SEC Investigation”). The Parties having conferred about the foregoing, Plaintiffs FirstEnergy Corp. (“FirstEnergy”) and Clearsulting LLC (“Clearsulting”), on the one hand, and Defendant Michael Pircio (“Pircio”), on the other, hereby stipulate that this Court **ORDER** that until further Order of this Court:

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may retain an image or version of said information and data, which shall be maintained as confidential and not copied to any device or new storage medium except by a computer forensics firm retained by Defendant's undersigned counsel for purposes of defending this lawsuit; and

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**SO STIPULATED BY ALL PARTIES:**

Date: \_\_\_\_\_  
LAURA A. HAUSER, counsel for Michael Pircio

Date: \_\_\_\_\_  
GREGORY J. PHILLIPS, counsel for FirstEnergy Corp.

Date: \_\_\_\_\_  
STEPHEN BALES, counsel for ClearSulting LLC.

**SO ORDERED:**

Date: \_\_\_\_\_

DISTRICT JUDGE PAMELA A. BARKER



H. Vincent McKnight Jr., DC Managing Partner  
(202) 499-5211  
vmcknight@sanfordheisler.com

**Sanford Heisler Sharp, LLP**  
700 Pennsylvania Ave. SE, Suite 300  
Washington, D.C. 20003  
Telephone: (202) 499-5200  
Fax: (202) 499-5199  
www.sanfordheisler.com

New York | Washington D.C. | San Francisco | San Diego | Nashville | Baltimore

September 2, 2020

**VIA ELECTRONIC MAIL**

John N. Dagon, Esq.  
Benesch Friedlander Coplan & Aronoff LLP  
jdagon@beneschlaw.com

Re: FirstEnergy Corp. et al. v. Michael Pircio - N.D. Ohio Case No. 1-20-01966

Dear Mr. Dagon,

We write you in response to FirstEnergy Corp.'s ("FirstEnergy") and Clearsulting LLC's ("Clearsulting") filing of a Complaint and Motion for Temporary Restraining Order and Preliminary Injunction against Michael Pircio on September 1, 2020.

As you know, we only received notice of the filing last night and were not representing Mr. Pircio in connection with this lawsuit. At this time, we do not intend to represent him in the above-captioned matter. Accordingly, Mr. Pircio will need time to find counsel. In the meantime, however, we are willing to participate in a telephone conference with the Court for the limited purpose of discussing logistics on how best to proceed under the circumstances.

As we explained in a letter on August 21, 2020 addressed to Clearsulting that you received, Mr. Pircio has shared a number of Clearsulting documents that potentially show a violation of law with his counsel, and we in turn have shared these documents with a government agency.

On August 7, 2020, we submitted information to the Securities and Exchange Commission ("SEC") concerning FirstEnergy and Clearsulting. Since then we have been in communication with Brian D. Fagel, Assistant Director of the Public Finance Abuse Unit, and we intend to continue cooperating with the SEC in its investigation. Mr. Fagel's contact information is below:

Brian D. Fagel  
Email: fagelb@sec.gov  
Phone: (312) 886-0843

In the August 21, 2020 letter, we also advised you that Mr. Pircio has not shared any company information or documents with anyone other than his counsel and, through his counsel, with government officials. On September 2, 2020, we confirmed in an email to you that neither we nor Mr. Pircio will disclose the documents to anyone other than the government agency that is investigating this matter. And I want to take this opportunity to reiterate that neither we nor Mr. Pircio will disclose the documents or information with anyone other than the SEC. Your client is in no danger, imminent or otherwise, that any trade secrets or other proprietary information or documentation will be shared with any competitors, or anyone other

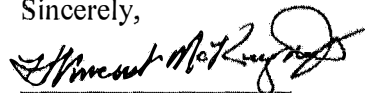
John N. Dagon, Esq.  
September 2, 2020  
Page 2 of 2

than the SEC.

Nathan H. Boninger, the Law Clerk to District District Judge Pamela A. Barker, contacted us regarding a conference call to discuss scheduling with counsel for all parties. A partner at our firm, Kevin Sharp, will join the telephone conference. We are available to speak later this afternoon or on Friday, September 4, 2020. Please let us know what times work for you and we can contact Mr. Boninger to schedule the conference.

Please do not hesitate to contact me if you have any questions.

Sincerely,

  
Vince McKnight

cc: Kevin Sharp, Esq.  
Sanford Heisler Sharp, LLP  
ksharp@sanfordheisler.com

Gregory J. Phillips, Esq.  
Benesch Friedlander Coplan & Aronoff LLP  
GPhillips@beneschlaw.com

Addisah Sherwood  
Benesch Friedlander Coplan & Aronoff LLP  
ASherwood@beneschlaw.com

Stephen M. Bales, Esq.  
Ziegler Metzger LLP  
sbales@zieglermetzger.com

Brian F. Kampman  
Ziegler Metzger LLP  
bkampman@zieglermetzger.com

## Bales Declaration, Exhibit 8

**Stephen M. Bales**

---

**From:** Phillips, Gregory J. <GPhillips@beneschlaw.com>  
**Sent:** Wednesday, September 9, 2020 7:30 AM  
**To:** Laura Hauser; Sherwood, Addisah; Dagon, John; Stephen M. Bales; Brian F. Kampman  
**Cc:** Marc Dann  
**Subject:** RE: FirstEnergy Corp. v. Pircio

Thanks, Laura. I am filing the stipulation now and will be in touch on the flash drive.

**Gregory J. Phillips**  
Vice Chair, Litigation Practice Group and  
Chair, Business Litigation Practice Group  
Benesch, Friedlander, Coplan & Aronoff LLP  
200 Public Square, Suite 2300  
Cleveland, OH 44114-2378  
Direct: 216.363.4472 | Fax: 216.363.4588 | Mobile: 216.905.2173  
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**From:** Laura Hauser <laura@HauserLawLLC.com>  
**Sent:** Tuesday, September 8, 2020 8:45 PM  
**To:** Phillips, Gregory J. <GPhillips@beneschlaw.com>; Sherwood, Addisah <ASherwood@beneschlaw.com>; Dagon, John <JDagon@beneschlaw.com>; sbales@zieglermetzger.com; bkampman@zieglermetzger.com  
**Cc:** Marc Dann <mdann@dannlaw.com>  
**Subject:** Re: FirstEnergy Corp. v. Pircio

**\*\*\* External E-Mail - Use Caution \*\*\***

Greg

Sorry for the delay in getting back to you. We approve this form of the Injunction. Feel free to insert *"/s/ Laura A. Hauser"* on the signature line on my behalf. I am working on imaging the flash drive (might be done tomorrow morning) and will let you know when I can forward that to you. Let me know how you want me to deliver the flash drive to you.

Best,

Laura A. Hauser, Esq.



**HAUSER · LAW**

3713 Longwood Court | Cleveland Heights, Ohio 44118 | 216.536.8810  
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**From:** "Phillips, Gregory J." <GPhillips@beneschlaw.com>  
**Date:** Tuesday, September 8, 2020 at 3:33 PM  
**To:** Laura Hauser <laura@HauserLawLLC.com>, "Sherwood, Addisah" <ASherwood@beneschlaw.com>, "Dagon, John" <JDagon@beneschlaw.com>, "sbales@zieglermetzger.com" <sbales@zieglermetzger.com>,

"bkampman@zieglermetzger.com" <bkampman@zieglermetzger.com>

**Cc:** Marc Dann <mdann@dannlaw.com>

**Subject:** RE: FirstEnergy Corp. v. Pircio

Laura,

As we discussed, attached is a revised draft removing the phrase "without Plaintiffs' authorization" from paragraphs 1 and 2. Also attached is the Vincent McKnight letter that will be an exhibit.

Please call with any questions.

**Gregory J. Phillips**

**Vice Chair, Litigation Practice Group and**

**Chair, Business Litigation Practice Group**

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**From:** Phillips, Gregory J.

**Sent:** Tuesday, September 8, 2020 3:00 PM

**To:** 'Laura Hauser' <laura@HauserLawLLC.com>; Sherwood, Addisah <asherwood@beneschlaw.com>; Dagon, John <jdagon@beneschlaw.com>; sbales@zieglermetzger.com; bkampman@zieglermetzger.com

**Cc:** Marc Dann <mdann@dannlaw.com>

**Subject:** RE: FirstEnergy Corp. v. Pircio

Laura,

Attached is redline of the draft you circulated this morning. In addition to our redlined changes, it incorporates almost all of your revisions and has a few explanatory comments. Please call my cell phone below with any questions.

Thanks,

**Gregory J. Phillips**

**Vice Chair, Litigation Practice Group and**

**Chair, Business Litigation Practice Group**

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**From:** Laura Hauser <laura@HauserLawLLC.com>

**Sent:** Tuesday, September 8, 2020 9:24 AM

**To:** Phillips, Gregory J. <GPhillips@beneschlaw.com>; Sherwood, Addisah <ASherwood@beneschlaw.com>; Dagon, John <JDagon@beneschlaw.com>; sbales@zieglermetzger.com; bkampman@zieglermetzger.com

**Cc:** Marc Dann <mdann@dannlaw.com>

**Subject:** Re: FirstEnergy Corp. v. Pircio



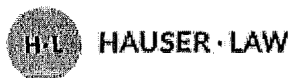
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Greg

Attached is a revised version of the Stipulated Injunction for your review. Please let us know if we can agree on a form of this Stipulation or if we need to schedule a call today for further discussion. Thank you.

Best,

Laura A. Hauser, Esq.



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**From:** "Phillips, Gregory J." <[GPhillips@beneschlaw.com](mailto:GPhillips@beneschlaw.com)>

**Date:** Monday, September 7, 2020 at 4:35 PM

**To:** Laura Hauser <[laura@HauserLawLLC.com](mailto:laura@HauserLawLLC.com)>, "Sherwood, Addisah" <[ASherwood@beneschlaw.com](mailto:ASherwood@beneschlaw.com)>, "Dagon, John" <[JDagon@beneschlaw.com](mailto:JDagon@beneschlaw.com)>, "sbales@zieglermetzger.com" <[sbales@zieglermetzger.com](mailto:sbales@zieglermetzger.com)>, "bkampman@zieglermetzger.com" <[bkampman@zieglermetzger.com](mailto:bkampman@zieglermetzger.com)>

**Cc:** Marc Dann <[mdann@dannlaw.com](mailto:mdann@dannlaw.com)>

**Subject:** RE: FirstEnergy Corp. v. Pircio

Laura,

Thank you for your letter. With respect to resolving the TRO before Wednesday, I think a written proposal is the most efficient way to proceed. In particular, we'd ask you and Marc to provide any redlined changes you feel are needed to the draft stipulated injunction I sent to Vince McKnight Friday morning. (A copy is attached in the event you don't have it.) After receiving a redline, we can assess whether a call tomorrow is necessary.

Regards,

**Gregory J. Phillips**

**Vice Chair, Litigation Practice Group and**

**Chair, Business Litigation Practice Group**

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**From:** Laura Hauser <[laura@HauserLawLLC.com](mailto:laura@HauserLawLLC.com)>

**Sent:** Monday, September 7, 2020 2:58 PM

**To:** Phillips, Gregory J. <[GPhillips@beneschlaw.com](mailto:GPhillips@beneschlaw.com)>; Sherwood, Addisah <[ASherwood@beneschlaw.com](mailto:ASherwood@beneschlaw.com)>; Dagon, John <[JDagon@beneschlaw.com](mailto:JDagon@beneschlaw.com)>; sbales@zieglermetzger.com; bkampman@zieglermetzger.com

**Cc:** Marc Dann <[mdann@dannlaw.com](mailto:mdann@dannlaw.com)>

**Subject:** FirstEnergy Corp. v. Pircio

\*\*\* External E-Mail - Use Caution \*\*\*

Dear Counsel,

Please see attached letter.

Best,  
Laura A. Hauser, Esq.



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